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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,196	11/03/2003	Brian Robert Hronek	INY134	3490

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EXAMINER

WONG, STEVEN B

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application No.	Applicant(s)	
	10/699,196	HRONEK, BRIAN ROBERT	
	Examiner	Art Unit	
	Steven Wong	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11-03-03</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

1. Applicant is advised that should claims 7-11 be found allowable, claims 12-16 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klimpert (5,735,521) in view of Spector (4,243,224). Regarding claim 1, Klimpert discloses a jigsaw puzzle comprising a plurality of pieces (16) having notch portions and flange portions and a flocked surface (14) for providing sensory stimulation. The plurality of puzzle pieces are attached together by the notch and flange portions to form a body. However, Klimpert lacks the teaching for providing a scented layer as claimed.

Spector reveals a puzzle construction comprising a plurality of pieces (17) having a scented layer (11) thereon. The scented layer is made up of a plurality of minute rupturable capsules (column 2, lines 26-31). The user scratches the scented layer to release the aroma. Given the teaching of Klimpert that it is well known in the art of jigsaw puzzles to provide structure on the puzzle pieces that enhances sensory stimulation, it would have been obvious to

Art Unit: 3711

one of ordinary skill in the art to provide the scented layer as taught by Spector on a jigsaw puzzle in order to enhance the puzzle by providing olfactory stimulation.

Regarding claim 4, the notches of Klimpert are shown as being spaced from the planar sidewall.

Regarding claim 5, it would have been obvious to one of ordinary skill in the art to provide additional flanges and notches on select ones of the puzzle pieces of Klimpert in order to increase the difficulty of the puzzle.

Regarding claim 6, Klimpert teaches that it is well known in the art to include indicia in addition to the sensory stimulation structure.

3. Claims 2, 3 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klimpert (5,735,521) in view of Spector (4,687,203) and Breslow (3,627,325). Regarding claim 2, the combination of Klimpert in view of Spector lacks the teaching for the scented layer to be corrugated.

Breslow discloses a card construction including a scented layer that is formed of a cellular structure that is substantially corrugated. It would have been obvious to one of ordinary skill in the art to form the scented layer of Klimpert as modified by Spector as a corrugated layer in order to effectively release the aroma and allow the scented layer to be scratched many times.

Regarding claim 3, both Breslow and Spector teach for the scented layer to extend across their respective pieces. It would have been obvious to one of ordinary skill in the art to form the scented layer across the puzzle piece of Klimpert in order to allow the user to scratch anywhere on the piece and release the aroma.

Regarding claims 7 and 12, attention is directed to the rejection of claims 1 and 2 above.

Art Unit: 3711

Regarding claims 8 and 13, note the rejection of claim 3.

Regarding claims 9 and 14, note the rejection of claim 4.

Regarding claims 10 and 15, note the rejection of claim 5.

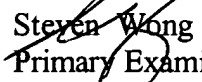
Regarding claims 11 and 16, note the rejection of claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner
Art Unit 3711

SBW
March 24, 2005